

**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No.W270

SUSAN P. SHOFF, Ph.D.  
160 SARATOGA AVENUE #42  
SANTA CLARA, CA 95051

Psychologist's License Number PSY 6836

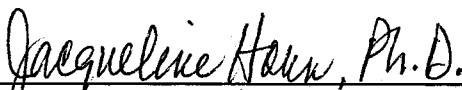
Respondent.

**DECISION AND ORDER**

The attached Stipulation for Surrender of License is hereby adopted by the California Board of Psychology, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on July 7, 2004.

It is so ORDERED June 7, 2004.

  
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JACQUELINE HORN, Ph.D., PRESIDENT  
FOR THE CALIFORNIA BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS

OF 300-3 BW 3:51

RECEIVED

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9 **BEFORE THE**  
10 **BOARD OF PSYCHOLOGY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. W270

14 SUSAN P. SHOFF, Ph.D.  
15 160 SARATOGA AVENUE #42  
16 SANTA CLARA, CA 95051  
Psychologist's License Number PSY 6836

**STIPULATION FOR SURRENDER  
OF LICENSE**

Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings, that the following matters are true:

19 1. Complainant Thomas P. O'Connor brought this action solely in his official  
20 capacity as the Executive Officer of the California Board of Psychology ("Board of Psychology"  
21 or "board"). Complainant is represented in this matter by Bill Lockyer, Attorney General of the  
22 State of California, by Kerry Weisel, Deputy Attorney General.

23 2. Respondent Susan P. Shoff, Ph.D. ("respondent") is represented in this  
24 proceeding by attorney Kenneth L. Freeman.

25 3. On January 5, 1981, the Board of Psychology issued Psychologist's  
26 License No. PSY 6836 to Susan P. Shoff, Ph.D. Unless renewed, the certificate will expire on  
27 February 29, 2004.

28 //

1                   4.     The Board of Psychology filed an Accusation in case No. W270 on  
2 February 18, 2004. A copy of the Accusation is attached as Exhibit A and incorporated by  
3 reference in this stipulation.

4                   5.     Respondent has carefully read, fully discussed with counsel, and  
5 understands the charges and allegations in the Accusation. Respondent also has carefully read,  
6 fully discussed with counsel, and understands the effects of this Stipulation for Surrender of  
7 License and Order.

8                   6.     Respondent is fully aware of her legal rights in this matter, including the  
9 right to a hearing on the charges and allegations in the Accusation, the right to be represented by  
10 counsel, at her own expense, the right to confront and cross-examine the witnesses against her,  
11 the right to present evidence and to testify on her own behalf, the right to the issuance of  
12 subpoenas to compel the attendance of witnesses and the production of documents, the right to  
13 reconsideration and court review of an adverse decision, and all other rights accorded by the  
14 California Administrative Procedure Act and other applicable laws.

15                  7.     For purposes of this stipulation, respondent voluntarily, knowingly, and  
16 intelligently waives and gives up each and every right set forth above.

17                  8.     For the purpose of resolving Case No. W270, respondent admits to all  
18 causes for discipline contained in the Accusation. Respondent agrees to surrender her  
19 Psychologist's License for the board's formal acceptance. The board agrees to waive the costs of  
20 investigation and enforcement of this matter except as provided in paragraph 14, below.

21                  9.     All admissions and recitals contained in this stipulation are made solely for  
22 the purpose of settlement in this proceeding and for any other proceedings in which the California  
23 Board of Psychology or other professional licensing agency is involved, and shall not be  
24 admissible in any other criminal or civil proceedings.

25                  10.    Respondent understands that by signing this stipulation she is enabling the  
26 Board of Psychology to issue its order accepting the surrender of her license without further  
27 process. She understands and agrees that board's staff and counsel for complainant may  
28 communicate directly with the board regarding this stipulation without notice to or participation

by respondent or her counsel. If the board fails to adopt this stipulation as its Order, the Stipulation for Surrender of License, except for this paragraph, shall be of no force or effect. The Stipulation for Surrender of License shall be inadmissible in any legal action between the parties and the board shall not be disqualified from further action by having considered this matter.

11. Respondent understands and agrees that if the board adopts this stipulation as its decision in this matter, she will no longer be permitted to practice as a psychologist in California as of the effective date of the decision.

12. Respondent shall cause to be delivered to the board her wall and wallet certificates on or before the effective date of the Decision and Order.

13. Respondent fully understands and agrees that if she ever files an application for relicensure or reinstatement in the State of California, the board shall treat it as a petition for reinstatement and respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, except that respondent may petition the board for reinstatement after a period of not less than two years has elapsed following the effective date of this decision. Respondent hereby waives any time-based defense she might otherwise have to the charges contained in the Accusation in Case No. W270 including but not limited to the equitable defense of laches.

14. Respondent shall pay the board its costs of investigation and enforcement in the amount of \$7,640.00 payable to the California Board of Psychology prior to issuance of a new or reinstated license.

15. The parties agree that facsimile copies of this Stipulation for Surrender of License, including facsimile signatures on it, shall have the same force and effect as the original Stipulation for Surrender of License.

## ACCEPTANCE

I, Susan P. Shoff, Ph.D. have carefully read the above Stipulation for Surrender of License and have fully discussed the terms and conditions and other matters contained therein with my attorney Kenneth L. Freeman. I enter into the stipulation freely and voluntarily and, with full knowledge of its force and effect, do hereby agree to surrender my psychologist's

1 license PSY 6836 to the California Board of Psychology for its formal acceptance. By signing  
2 this stipulation to surrender my license, I recognize that I will lose all rights and privileges to  
3 practice as a psychologist in the State of California.

4 DATED: 4/29/2004

5 Susan P. Shoff, Ph.D.  
6 SUSAN P. SHOFF, Ph.D.  
Respondent

7  
8 I have read and fully discussed with respondent Susan P. Shoff, Ph.D. the terms  
9 and conditions and other matters contained in the above Stipulation for Surrender of License. I  
10 approve its form and content.

11 DATED: 4-29-04

12 Kenneth L. Freeman  
KENNETH L. FREEMAN  
Attorney for Respondent

13  
14 **ENDORSEMENT**

15 The foregoing Stipulation for Surrender of License is hereby respectfully  
16 submitted for consideration by the California Board of Psychology of the Department of  
17 Consumer Affairs.

18 DATED: May 3, 2004

19 BILL LOCKYER, Attorney General  
of the State of California

20 Kerry Weisel  
21 KERRY WEISEL  
22 Deputy Attorney General

23 Attorneys for Complainant  
24  
25  
26  
27  
28

**Exhibit A:**

**Accusation Case No. W270**

BILL LOCKYER, Attorney General  
of the State of California  
KERRY WEISEL, State Bar No. 127522  
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California Department of Justice  
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Attorneys for Complainant

BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. W270
SUSAN P. SHOFF, Ph.D. 160 Saratoga Avenue, #42 Santa Clara, California 95051  Psychologist's License Number PSY 6836  Respondent.	ACCUSATION

The Complainant alleges:

PARTIES

1. Complainant, Thomas S. O'Connor, is the Executive Officer of the California Board of Psychology ("Board of Psychology" or "board") and brings this accusation solely in his official capacity.
2. At all times material, respondent Susan P. Shoff, Ph.D. ("respondent") has held Psychologist's License No. PSY 6836 which was issued to her by the board on January 5, 1981. Unless renewed, the license will expire on February 29, 2004.

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## JURISDICTION

3. This accusation is brought before the Board of Psychology, Department of Consumer Affairs, under the authority of the following sections of the California Business and Professions Code ("Code").

4. Section 726 of the Business and Professions Code provides that the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action against any person licensed under [Division 2 of the Business and Professions Code]. Psychologists are licensed under Division 2.

5. Section 2960 of the Business and Professions Code provides that the Psychology Board may suspend, revoke, or place on probation a licensee for any of the following causes:

"(i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under [Chapter 6.6 of Division 2 of the Business and Professions Code].

"(j) Being grossly negligent in the practice of his or her profession.

"(k) Violating any of the provisions of [Chapter 6.6 of Division 2 of the Business and Professions Code] or regulations duly adopted thereunder.

". . . .

"(o) Any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct that is substantially related to the qualifications, functions or duties of a psychologist or psychological assistant or registered psychologist.

". . . .

"(r) Repeated acts of negligence."

6. Section 2936 of the Business and Professions Code provides that "[t]he board shall establish as its standards of ethical conduct relating to the practice of psychology, the code of ethics adopted and published by the American Psychological Association (APA). Those



standards shall be applied by the board as the accepted standard of care in all licensing examination development and in all board enforcement policies and disciplinary case evaluations.”

7. Title 16 California Code of Regulations section 1396.1 states:

“It is recognized that a psychologist's effectiveness depends upon his or her ability to maintain sound interpersonal relations, and that temporary or more enduring problems in a psychologist's own personality may interfere with this ability and distort his or her appraisals of others. A psychologist shall not knowingly undertake any activity in which temporary or more enduring personal problems in the psychologist's personality integration may result in inferior professional services or harm to a patient or client. If a psychologist is already engaged in such activity when becoming aware of such personal problems, he or she shall seek competent professional assistance to determine whether services to the patient or client should be continued or terminated.”

8. American Psychological Association. (1992) Ethical principles of psychologists and code of conduct, Ethical Standard 1.13, Personal Problems and Conflict, states:

“(a) Psychologists recognize that their personal problems and conflicts may interfere with their effectiveness. Accordingly, they refrain from undertaking an activity when they know or should know that their personal problems are likely to lead to harm to a patient, client, colleague, student, research participant, or other person to whom they may owe a professional or scientific obligation.

“(b) In addition, psychologists have an obligation to be alert to signs of, and to obtain assistance for, their personal problems at an early stage, in order to prevent significantly impaired performance.

“(c) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures,

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1 such as obtaining professional consultation or assistance, and determine whether they  
2 should limit, suspend, or terminate their work-related duties.”

3 9. American Psychological Association. (1992) Ethical principles of  
4 psychologists and code of conduct, Ethical Standard 1.14, Avoiding Harm, states:

5 “Psychologists take reasonable steps to avoid harming their patients or clients,  
6 research participants, students, and others with whom they work, and to minimize harm  
7 where it is foreseeable and unavoidable.”

8 10. American Psychological Association. (1992) Ethical principles of  
9 psychologists and code of conduct, Ethical Standard 1.17, Multiple Relationships, provides, in  
10 pertinent part, as follows:

11 “(a) In many communities and situations, it may not be feasible or reasonable for  
12 psychologists to avoid social or other nonprofessional contacts with persons such as  
13 patients, clients, students, supervisees, or research participants. Psychologists must  
14 always be sensitive to the potential harmful effects of other contacts on their work and on  
15 those persons with whom they deal. A psychologist refrains from entering into or  
16 promising another personal, scientific, professional, financial, or other relationship with  
17 such persons if it appears likely that such a relationship reasonably might impair the  
18 psychologist’s objectivity or otherwise interfere with the psychologist’s effectively  
19 performing his or her functions as a psychologist, or might harm or exploit the other  
20 party.

21 “....

22 “(c) If a psychologist finds that, due to unforeseen factors, a potentially harmful  
23 multiple relationship has arisen, the psychologist attempts to resolve it with due regard  
24 for the best interests of the affected person and maximal compliance with the Ethics  
25 Code.”

26 11. American Psychological Association. (1992) Ethical principles of  
27 psychologists and code of conduct, Ethical Standard 4.05, Sexual Intimacies with Current

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1 Patients or Clients, provides that "[p]sychologists do not engage in sexual intimacies with current  
2 patients or clients."

3 12. American Psychological Association. (1992) Ethical principles of  
4 psychologists and code of conduct, Ethical Standard 4.07, Sexual Intimacies with Former  
5 Therapy Patients, states:

6 "(a) Psychologists do not engage in sexual intimacies with a former therapy  
7 patient or client for at least two years after cessation or termination of professional  
8 services.

9 "(b) Because sexual intimacies with a former therapy patient or client are so  
10 frequently harmful to the patient or client, and because such intimacies undermine public  
11 confidence in the psychology profession and thereby deter the public's use of needed  
12 services, psychologists do not engage in sexual intimacies with former therapy patients  
13 and clients even after a two-year interval except in the most unusual circumstances. The  
14 psychologist who engages in such activity after the two years following cessation or  
15 termination of treatment bears the burden of demonstrating that there has been no  
16 exploitation, in light of all relevant factors, including (1) the amount of time that has  
17 passed since therapy terminated, (2) the nature and duration of the therapy, (3) the  
18 circumstances of termination, (4) the patient's or client's personal history, (5) the  
19 patient's or client's current mental status, (6) the likelihood of adverse impact on the  
20 patient or client and others, and (7) any statements or actions made by the therapist during  
21 the course of therapy suggesting or inviting the possibility of a post-termination sexual or  
22 romantic relationship with the patient or client."

23 13. American Psychological Association. (1992) Ethical principles of  
24 psychologists and code of conduct, Principle B: Integrity, provides that "[p]sychologists seek to  
25 promote integrity in the science, teaching, and practice of psychology. In these activities  
26 psychologists are honest, fair, and respectful of others. . . . Psychologists strive to be aware of  
27 their own belief systems, values, needs, and limitations and the effect of these on their work. To  
28 the extent feasible, they attempt to clarify for relevant parties the roles they are performing and to

function appropriately in accordance with those roles. Psychologists avoid improper and potentially harmful dual relationships.”

14. American Psychological Association. (1992) Ethical principles of psychologists and code of conduct, Principle C: Professional and Scientific Responsibility, states:

“Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and adapt their methods to the needs of different populations. Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of their patients, clients, or other recipients of their services. Psychologists’ moral standards and conduct are personal matters to the same degree as is true for any other person, except as psychologists’ conduct may compromise their professional responsibilities or reduce the public’s trust in psychology and psychologists. Psychologists are concerned about the ethical compliance of their colleagues’ scientific and professional conduct. When appropriate, they consult with colleagues in order to prevent or avoid unethical conduct.”

15. American Psychological Association. (1992) Ethical principles of psychologists and code of conduct, Principle F: Social Responsibility, provides that “[p]sychologists are aware of their professional and scientific responsibilities to the community and the society in which they work and live. They apply and make public their knowledge of psychology in order to contribute to human welfare. Psychologists are concerned about and work to mitigate the causes of human suffering.”

16. Section 2960.05(e) of the Business and Professions Code provides that, for complaints received by the board on or after January 1, 2002, any accusation must be filed within three years after the board discovers the act or omission alleged as the ground for disciplinary action or 10 years after the act or omission occurs, whichever occurs first.

17. Section 125.3 of the Business and Professions Code provides in pertinent part that the board may request the administrative law judge to direct any licentiate found to have

1 committed a violation or violations of the licensing act, to pay the board a sum not to exceed the  
2 reasonable costs of the investigation and enforcement of the case.

3 18. Business and Professions Code section 2964.6 provides that "[a]n  
4 administrative disciplinary decision that imposes terms of probation may include, among other  
5 things, a requirement that the licensee who is being placed on probation pay the monetary costs  
6 associated with monitoring the probation."

7 **FACTS**

8 19. At all times relevant to this matter, respondent has practiced as a  
9 psychologist in the state of California.

10 20. Patient P-1<sup>1</sup> first saw Dr. Shoff in group and individual therapy between  
11 1988 and 1990 when she was a student. She returned to Dr. Shoff for individual therapy in 1992  
12 and continued in treatment through June 1996.

13 21. During this period, Dr. Shoff was experiencing personal problems related  
14 to her father's ill health and the death of her mother and several other friends and relatives.  
15 These personal losses compromised her ability to provide appropriate professional treatment to  
16 P-1.

17 22. In May 1994, Dr. Shoff told P-1 that she loved her and in June 1994 began  
18 holding her during therapy sessions. Dr. Shoff discussed her own personal life with P-1.

19 23. In July 1994, Dr. Shoff discovered that she had sexual feelings for P-1.

20 24. In September 1994, Dr. Shoff began therapy with a psychiatrist to address  
21 her sexual feelings for P-1. Dr. Shoff discussed boundary issues with the therapist, stopped  
22 holding P-1, and suggested to P-1 that they meet with a consultant. P-1 rejected using a  
23 consultant.

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28 1. The patient is referred to as P-1 in this document to protect her privacy. Respondent  
knows who P-1 is and may confirm her identity through discovery.

1                   25.     In October 1994, Dr. Shoff gave P-1 permission to call her at home; in  
2 January 1995, she began holding P-1 again; and in February 1995, she increased the length of P-  
3 1's therapy sessions.

4                   26.     In September 1995, Dr. Shoff's psychiatrist suggested that she stop  
5 working with P-1 and take a leave of absence from her practice. Dr. Shoff insisted that she could  
6 deal with the counter-transference issues and did not take her psychiatrist's suggestion.

7                   27.     Dr. Shoff continued with her personal therapy, but after January 1996, she  
8 did not talk to her psychiatrist about P-1.

9                   28.     Between January and May 1996, Dr. Shoff began spending time with P-1  
10 outside of therapy sessions.

11                  29.     In June 1996, Dr. Shoff's relationship with P-1 became overtly sexual,  
12 escalating from kissing and holding to "making love."

13                  30.     P-1's last therapy session with Dr. Shoff was on June 18, 1996. After that,  
14 Dr. Shoff began socializing with P-1 and spending time with her at her apartment. Their sexual  
15 relationship continued until November or December 1996 and their personal relationship until  
16 January 1997, when P-1 ended it.

17                  31.     In early December 2002, P-1 filed a complaint with the Board of  
18 Psychology alleging that she had had a sexual relationship with her treating psychiatrist. In  
19 January 2003, P-1 identified Dr. Shoff as the psychiatrist.

20                               **FIRST CAUSE FOR DISCIPLINARY ACTION**

21                   (Gross Negligence, Sexual Relations with a Patient, Sexual Relations with a Former Patient,  
22 Violation of Rules of Professional Conduct)

23                  32.     Respondent is subject to disciplinary action pursuant to sections 726  
24 (sexual relations with a patient), 2960, subsections (i) (violating rule of professional conduct), (j)  
25 (gross negligence), (k) (violating laws and/or regulations governing the practice of psychology),  
26 and (o) (sexual relations with a patient or former patient), and 2936 (violation of APA Code of  
27 Ethics), and the Ethical Principles of Psychologists and Code of Conduct, Ethical Standards 4.05  
28 (Sexual Intimacies with Current Patient), 4.07 (sexual intimacies with former therapy patient),

1 and 1.17 (multiple relationships), in that she engaged in a sexual relationship with P-1 during and  
2 immediately following their therapeutic relationship, as more particularly alleged above.

3 **SECOND CAUSE FOR DISCIPLINARY ACTION**

4 (Gross Negligence, Violation of Rule of Professional Conduct)

5 33. Respondent is subject to disciplinary action pursuant to sections 2960,  
6 subsections (i) (violating rule of professional conduct), (j) (gross negligence), and (k) (violating  
7 laws and/or regulations governing the practice of psychology), and 2936 (violation of APA Code  
8 of Ethics) and the Ethical Principles of Psychologists and Code of Conduct, Ethical Standard  
9 1.17 (multiple relationships), in that she shared personal aspects of her life with and professed  
10 her love for P-1, as more particularly alleged above.

11 **THIRD CAUSE FOR DISCIPLINARY ACTION**

12 (Gross Negligence, Violation of Regulation Governing Practice of Psychology, Violation of Rule  
13 of Professional Conduct)

14 34. Respondent is subject to disciplinary action pursuant to sections 2960,  
15 subsections (i) (violating rule of professional conduct), (j) (gross negligence), and (k) (violating  
16 laws and/or regulations governing the practice of psychology), and 2936 (violation of APA Code  
17 of Ethics), the Ethical Principles of Psychologists and Code of Conduct, Ethical Standard 1.13  
18 (personal problems conflicts), and Title 16 California Code of Regulations section 1396.1  
19 (permitting personal problems to adversely affect treatment or harm patient) in that she failed to  
20 address her personal problems and conflicts adequately, allowing counter-transference issues to  
21 overwhelm her and render it impossible for her to provide effective therapy to P-1, as more  
22 particularly alleged above.

23 **FOURTH CAUSE FOR DISCIPLINARY ACTION**

24 (Violation of Rules of Professional Conduct)

25 35. Respondent is subject to disciplinary action pursuant to sections 2960,  
26 subsections (i) (violating rule of professional conduct) and (k) (violating laws and/or regulations  
27 governing the practice of psychology), and 2936 (violation of APA Code of Ethics), the Ethical  
28 Principles of Psychologists and Code of Conduct, General Principles, Principles B (integrity), C

1 (professional and scientific responsibility), and F (social responsibility), in that she failed to be  
2 aware of her own needs and limitations, failed to avoid an improper and harmful dual  
3 relationship with P-1, failed to uphold professional standards of conduct and to refer P-1 to  
4 another professional, lacked concern about P-1's welfare and rights, and misled, harmed, and  
5 exploited P-1, as more particularly alleged above.

6 **FIFTH CAUSE FOR DISCIPLINARY ACTION**

7 (Repeated Negligent Acts)

8 36. Respondent is subject to disciplinary action pursuant to section 2960,  
9 subsections (k) (violating laws and/or regulations governing the practice of psychology) and (r)  
10 (repeated negligent acts), in that she engaged in the conduct alleged in the First through Third  
11 Causes for Disciplinary Action.


12 WHEREFORE, complainant requests that a hearing be held on the matters alleged  
13 above, and that following the hearing, the board issue a decision:

14 1. Suspending or revoking Psychology License No. PSY 6836 issued to  
15 respondent Susan P. Shoff, Ph.D.;

16 2. Ordering respondent to pay the board the actual and reasonable costs of the  
17 investigation and enforcement of this case and, if placed on probation, the costs of probation  
18 monitoring; and

19 3. Taking such other and further action as the board deems necessary and  
20 proper.

21 DATED: February 18, 2004.

22   
23 THOMAS S. O'CONNOR, Executive Officer  
24 Board of Psychology

25 Complainant  
26  
27  
28